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February 29, 2024

Testimony of Rep. Valli Geiger on
LD 2129, An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Conduct an Inventory of Existing Forensic Examination Kits
Before the Appropriations and Financial Affairs Committee

Good Morning Senator Rotundo, Representative Sachs, Senator Beebe-Center, Representative Salisbury and the esteemed members of the Committee on Appropriations and Financial Affairs. My name is Valli Geiger and I represent District 42. I am the sponsor of **LD 2129, An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Conduct an Inventory of Existing Forensic Examination Kits**. Thank you for allowing me to testify.

When I was a 17 year old college freshman, I was invited to the dorm room of a fellow student, a cute boy with red hair and freckles. When I tried to leave, he slammed me up against a wall and sexually assaulted me. It was a Catholic University, I was a naive 17 year old Catholic virgin. I did not go to the college infirmary for medical care. I did not report this sexual assault, indeed, I told no one for 15 years.

I would like to say that in the 50 years since that happened, the shame, stigma and reluctance to report sexual assault has lessened. Alas, I cannot. It is estimated that 14,000 sexual assaults occur annually in Maine alone. Only 100-200 sexual assault crimes are successfully prosecuted a year. Most of those successfully prosecuted are child sexual assault cases. Because sex with a child is against the law, the evidence required is simply did it happen or did it not. Questions of consensual sex does not come into it.

What we do know is that about 400 Forensic Sexual Assault kits are requested from the Maine Crime Lab annually. We do know that less than 20% of those kits are returned to the Crime Lab for testing. Fourteen thousand sexual assaults annually and about 80 Sexual Assault Forensic Kits returned to the crime lab. We don't know where the other 320 kits are. We have no tracking system.

Why so few requested? We don't know. Why so few returned? We don't know. How many completed but untested kits are sitting in hospitals, police stations, rape crisis centers, or DA offices? We don't know.

I wish I could tell you that when a child or adult is sexually assaulted and goes to a Rape Crisis Center or Hospital ER or a Police Station, they will be treated professionally, knowledgeably, and offered a forensic exam that will be part of a careful train of evidence for prosecuting a crime. I wish I could tell you that they will undergo STD testing and offered a morning after pill to ensure the rape will not end in pregnancy. I cannot.

District 42: Rockland, Owls Head, North Haven and part of Matinicus Isle

I wish I could tell you that they will have a forensically trained nurse doing their exam and a Victim Advocate called to provide advocacy and support as they go through a 4-6 hour forensic exam including pictures of injuries, swabs for semen and DNA. I cannot.

I can tell you that Maine is the only state in the nation that has not enacted any of the recommended Sexual Assault best practice pillars as listed by the Joyful Heart Foundation.

This bill will address pillars 1, 4, and 5 of the 6 pillars of reform recommended by the Joyful Heart Foundation. Pillar One is a statewide inventory of untested sexual assault forensic kits currently held by medical facilities, law enforcement agencies and crime laboratories. This bill would require each of the above facilities to provide a count of how many untested kits they are holding, and the date those kits were collected.

Pillar 4, requires the establishment of an electronic tracking system for sexual assault forensic kits. That this tracking system will be available to all survivors and ensures all agencies and facilities holding kits have access to the system and are required to participate.

Pillar 5 will require a mechanism to be created to allow survivors to find out the status of their exam, including notification of a decision not to test or of planned destruction of their kit.

Successfully prosecuting sexual assault is difficult. Sexual assault involves a complicated nexus of medical care, advocacy, law enforcement and prosecution. This bill is one part of a larger effort to reform the criminal justice response to sexual violence survivors. But this bill, starts the process.

It is already a heavy lift to ask victims of sexual violence to seek medical care, to report the crime, and to undergo a 4-6 hour forensic exam. If their experience is one of humiliation, lack of respect, disinclination to believe them, or to pursue an investigation or treat this kit to the careful chain of evidence rules required in a criminal case, then it is hardly surprising that less than 1% of cases are successfully prosecuted.

Sexual assault is a crime. It is time that Maine took it seriously. Maine is the only state remaining that has not enacted any of the best practices recommended by the Joyful Heart Foundation. This bill is the first step, a survey of current outstanding kits and the implementation of a tracking system to ensure that kits are not misplaced, forgotten or destroyed.

Like most serious crimes, rape and sexual assault change a survivor forever. It leaves layers of trauma and scars that will impact their ability to move through life with joy and courage. I ask you to support LD 2129 and join the other 49 states taking the steps needed to successfully prosecute this crime.

Thank you.